

1655  
#10

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Typed or Printed Name	Donna Macedo	
Signature <i>D. Macedo</i>	Date November 21, 2001	
<b>RESPONSE TO RESTRICTION REQUIREMENT</b>  Address to: Assistant Commissioner for Patents Washington, D.C. 20231	Attorney Docket	LIFE004
	First Named Inventor	Yu
	Application Number	09/497,269
	Filing Date	February 2, 2000
	Group Art Unit	1655
	Examiner Name	B. Forman
	Title: Electrochemical Test Strip for Use in Analyte Determination	

**RECEIVED**  
JAN 22 2002  
TECH CENTER 1600/29

Sir:

This paper is submitted in response to the Restriction Requirement dated October 22, 2001. The Examiner therein required election of one of the following groups of claims:

- Group I: Claims 1-19, 11, 16-18, 26 and 27, drawn to a test strip and method for detecting an analyte;
- Group II: Claims 10, 12-15, 19 and 20, drawn to a test strip and method for detecting glucose;
- Group III: Claims 21-25, drawn to a kit; and
- Group IV: Claims 28, drawn to a system comprising a test strip and automated instrument.

Applicants hereby elect to prosecute the claims of Group I, Claims 1-9, 11, 16-18, 26 and 27, with traverse.

With respect to Groups I and II, the Examiner asserts that these groups are distinct groups because "the function of Invention I is to detect an analyte in a sample and the function of Invention II is to detect glucose in a sample." This reasoning is not understood since glucose is an analyte. In other words, the term analyte is a generic term that includes glucose. As such, the claims of Group II are a species of the claims of Group I, but Group II claims are not to a different function than Group I.

With respect to Groups III and IV, it is respectfully requested that these claims also be rejoined for prosecution since it would not amount to undue burden on the Examiner to search these groups as well, as a common feature of these groups is the presence of the test strip that is the subject of the claims of Group II. As such, in examining the claims of Group I, the Examiner will find all relevant art for the claims of Groups III and IV as well.

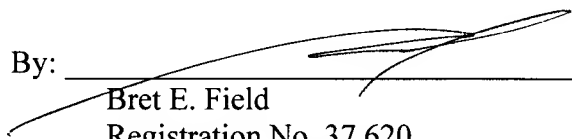
For the above reasons, the Examiner is respectfully requested to rejoin Groups I to IV and examine all of the claims together in this application.

Applicants expressly reserve the right under 35 USC §121 to file a divisional application directed to the non-elected subject matter during the pendency of this application.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: November 21, 2001

By:   
Bret E. Field  
Registration No. 37,620

BOZICEVIC, FIELD & FRANCIS LLP  
200 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231